REMARKS

Claims 1-20 are pending in this application. By this Amendment, the title and claims 1, 3, 7, 11, 13, 16 and 18 are amended and replacement drawings are provided.

The Office Action indicates the title of the invention is not descriptive. It is respectfully submitted that the new title is indicative of the invention to which the claims are directed.

The Office Action also indicates that new corrected drawings are required because the figures have handwritten text. The replacement sheets obviate the Office Action's concerns as they are formal drawings in which the handwritten lines are no longer present.

The Office Action rejects claims 1, 2, 4-12 and 14-20 under 35 U.S.C. §102(e) by U.S. Patent Publication 2003/0081592 to Krishnarajah et al. (hereafter the Krishnarajah publication). The Office Action also rejects claims 3 and 13 under 35 U.S.C. §103(a) over the Krishnarajah publication in view of "UDP Light For Real Time Multimedia Applications" by Larzon (hereafter Larzon). The rejections are respectfully traversed.

The Krishnarajah publication has a U.S. filing date of March 8, 2002, which is subsequent to the November 23, 2001 filing date of the present application. Thus, the Krishnarajah publication is not a prior art document with respect to the present application. Therefore, the Office Action's rejections based on the Krishnarajah publication should be withdrawn. Applicant's representative, Mr. Oren, discussed

the rejection based on 35 U.S.C. §102(e) with Examiner Swickhamer. During this conversation, applicant's representative explained that the Krishnarajah publication was not prior art. Rather, the provisional application from which the Krishnarajah publication claims priority has an effective filing date prior to the present application. In view of this, Examiner Swickhamer provided applicant's representative with a copy of U.S. Provisional Application No. 60/294,575 (hereafter the Krishnarajah provisional application) on August 20, 2003.

As stated above, the Krishnarajah publication, which is addressed in the Office Action, is not a prior art document to the present application. Therefore, the rejection set forth in the Office Action should be withdrawn. Applicant therefore requests that a Notice of Allowance or a new non-final Office Action be issued. In order to further prosecution, applicant is providing the following comments with regard to the Krishnarajah provisional application.

Independent claim 1 recites classifying one of the first part and the second part (of a packet) as being more important and classifying the other part as being less important. The classifying being based on data in one of a checksum coverage field of a UDP packet and a payload type field of an RTP packet. For example, the present specification describes that the checksum coverage field of an UDP packet and/or a payload type field of an RTP packet may be used to split, separate or divide a packet into separate parts. The separate parts may then be transmitted over different radio bearers. See page 10, line 16 - page 11, line 17 and page 12, lines 2-

11 of the present specification. Additionally, similar features were previously recited in dependent claims 3, 7, 13 and 16 of the present application.

The Krishnarajah provisional application does not teach or suggest all these features of independent claim 1. That is, the Krishnarajah provisional application appears to disclose that the payload information may be divided into one or more fragments and that each fragment is sent in a separate IP packet. Thus, each fragment is associated with a QoS class and thus a radio bearer. See page 15 of the provisional application. Pages 18-24 appear to discuss Alternatives 1-3 relating to dividing into fragments. However, the Krishnarajah provisional application does not teach or suggest that classifying is based on data in one of a checksum coverage field of a UDP packet and a payload type field of an RTP packet.

In rejecting original claims 3 and 13, the Office Action indicates that the Krishnarajah publication does not disclose that classifying is based on data in a checksum coverage field of a UDP packet. The Office Action then relies on Larzon as disclosing where the checksum field refers to part of the UDP packet that is sensitive to errors. See section 2.1 of the Larzon article. However, this section of Larzon merely relates that an error in a sensitive part of a packet results in a dropped packet, while errors in the insensitive part should not. The checksum only covers the sensitive part of the packet. In other words, the checksum is a value indicative of the data within the sensitive part of the packet. There is no suggestion that classifying is based on data in the checksum cover field of the UDP packet. Rather, this is merely providing a checksum of the data within the sensitive part of

the packet. This is not classifying a part as being more important based on data in a checksum coverage field of the UDP packet and the subsequent transmitting of the packet. Furthermore, there is no suggestion of combining Larzon's sensitive/insensitive part of a packet with the Krishnarajah provisional application methodology of dividing payload information into one or more fragments. That is, there is no suggestion that a checksum coverage field is used to divide payload information into one or more fragments. The checksum value of a sensitive part is not the dividing of payload information as it relates to the Krishnarajah provisional application. Therefore, even if these two references are combined, there is no suggestion for the features recited in independent claim 1. Thus, independent claim 1 defines patentable subject matter.

Each of independent claims 11 and 18 define patentable subject matter for at least similar reasons as independent claim 1. That is, independent claim 11 recites determining a first part of a packet and a second part of packet based on data in one of a checksum coverage field of a UDP packet and a payload type field of a RTP packet. Independent claim 18 recites structure to identify a first part of a packet and a second part of the packet based on data in one of a checksum coverage field of a UDP packet and a payload type field of an RTP packet. For similar reasons as set forth above, the cited references do not teach or suggest at least these features of independent claims 11 and 18.

Claims 2-10 depend from claim 1, claims 12-17 depend from claim 11 and claims 19 and 20 depend from claim 18 and therefore define patentable subject

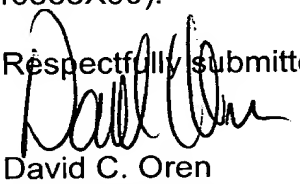
matter at least for this reason. In addition, the dependent claims also recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-20 are respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing case no. 0172.40863X00).

Respectfully submitted,



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